

**Applicant:** Paul Marinier  
**Application No.:** 10/729,644

**REMARKS/ARGUMENTS**

Pursuant to the foregoing amendment, claims 14-19 are currently pending in this application. Claims 1-13 were withdrawn from consideration pursuant to the Amendment filed December 23, 2005 in response to a Restriction Requirement. Claim 14 is amended to obviate the Examiner's 35 U.S.C. §112 rejection. No new matter has been entered into the present application by way of these amendments.

**Claim Rejections - 35 U.S.C. §112**

Claim 14 stands rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 14 has been amended, and now contains the following element:

a memory for storing a number of instances where positioning information is provided for account credit verification. (Emphasis added.)

Amended claim 14 now has sufficient antecedent basis. Withdrawal of the 35 U.S.C. §112 rejection of claim 14 is respectfully requested.

**Claim Rejections - 35 U.S.C. §103(a)**

Claims 14, 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0060976 to Sato (hereinafter "Sato") in view of U.S. Patent No. 6,546,257 to Stewart (hereinafter "Stewart"). Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sato in view of Stewart and further in view of U.S. Patent No. 6,169,497 to Robert (hereinafter "Robert"). Claims 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sato in view of Stewart and further in view of Official Notice. The Applicant respectfully disagrees.

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According to 35 U.S.C. §103(a), "A patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made . . . (emphasis added). However, in paragraph 5 of the Detailed Action, the Office states

Sato teaches a wireless transmit/receive unit . . . comprising: a receiver configured to receive positioning information . . . Stewart teaches a receiver configured to receive requests for positioning information from a wireless network base station . . .

Neither of these features is recited in claim 14, since the first omits the words "requests for" and the second omits the words "regarding a selected target-WTRU". Omitting these words changes the scope and meaning of the claim elements. By omitting these words, the Office is not considering claim 14 "as a whole". Applicants respectfully submit, therefore, that the present rejection of claim 14 under 35 U.S.C. §103(a) is improper.

Claim 14 of the present application recites as follows:

A wireless transmit/receive unit (WTRU) . . . comprising a receiver configured to receive requests for positioning information regarding a selected target-WTRU from a wireless network base station and to receive signals from the selected target-WTRU.

(Emphasis added.)

This feature is not taught or suggested in Sato. In claim 14, "a wireless transmit receive unit" refers to a first object, and "a selected target WTRU" refers to a second, distinct object. The first object is configured to receive requests for positioning information regarding the second object. (See Applicant's specification, paragraph 24, for example.)

In contrast, as shown in Figure 1 of Sato, Unit B is configured to receive requests for positioning information regarding Car C, the information being

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provided by navigation apparatus S. But B, C, and S are all in the same location, and this is required by Sato for conveying the position of car C to unit A upon request from unit A. (See, for example Sato, Paragraph 116.) Apparatus S contains GPS receiving station (61 in Figure 5) and must therefore be attached to the car to determine the car's position. Unit B must be near S, since B and S communicate by "short distance radio." (See, for example, paragraph 81.)

The requests of Sato are therefore requests received by a single localized object (Car C + apparatus S + unit B) for positioning information regarding that same object, not regarding a distinct object as recited in Claim 14. (See, for example, Sato, paragraphs 126 – 127, Figure 8, steps S10 – S13, and Figures 2, 4, and 5.)

At the same time, the above quoted feature of claim 14 is not taught or suggested in Stewart. In Stewart, as in Sato, requests for positioning information received by an object (such as 28 in Figure 1) regard only that object itself, not a second distinct object. The cited references fail to teach the cooperative nature of the claim 14. Applicants respectfully submit that claim 14 is patentable over Sato.

Based on the arguments presented above, withdrawal of the 35 U.S.C. §103(a) rejection of claim 14 is respectfully requested.

Claims 15-19 depend from claim 14 and are therefore patentable over Sato for at least the same reasons presented above. Withdrawal of the 35 U.S.C. §103(a) rejection of Claims 15-19 is respectfully requested.

### **Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this

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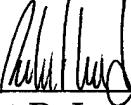
application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants respectfully submit that the present application, including claims 14-19, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Paul Marinier

By

  
Robert D. Leonard  
Registration No. 57, 204

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17th Street  
Philadelphia, PA 19103  
Telephone: (215) 568-6400  
Facsimile: (215) 568-6499

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